

## CHAPTER 6

### Structure

#### BUILDING THE ORGANIZATIONAL SUPPORT FOR YOUR EQUAL JUSTICE COMMUNITY...INSTITUTIONALIZING YOUR JOURNEY

##### HEARTBREAK HOTEL

Since reorganizing  
Along the statewide plan  
I'm takin' all my funding  
From the LSC man  
I'm so restricted, baby  
I'm so restricted, baby  
I'm so restricted, I could die

So if you're needin' funding  
Take a tip from me  
If you take even one dollar  
From the ol' LSC  
You'll be restricted, baby  
You're so restricted, baby  
You're so restricted, you could die

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*From "Lawfulpalooza,"  
written and produced for JUSTICE AT WORK,  
Washington State's Third Annual Access to Justice Conference, April 1998*



*"The now famous  
Ada Shen-Jaffe circle  
chart illustrates the  
many different  
organizations,  
agencies and pri-  
vate attorneys  
involved in provid-  
ing services to low  
income citizens.  
Despite efforts to  
coordinate delivery  
of services, the level  
and extent of activi-  
ties is so broad and  
diffuse that it is  
impossible to coordi-  
nate."*

Washington State Bar  
Association Access to  
Justice Task Force Report  
— 1992-1993

An effective Equal Justice Community, with its loose "network" affiliation mechanism and multiple partners, requires two additional anchors to hold it in place.

1. A stable and overarching organizational structure — a coordinating board — that can guide the community's planning initiatives (The Map, Chapter 7); provide the care and feeding (Pitfalls/Discipline, Chapter 9); hold it accountable to its mission (Staying Mission-Driven, Chapter 10); and support the community's strategies and initiatives (System Gains, Chapter 11).

***The effectiveness of these coordinating structures — in the form of an access to justice board/ commission — depends first and foremost on the strength and vitality of the Equal Justice Community's vision.***

***"WHEREAS, the Access to Justice Board serves a critical and ongoing function that is essential to the effective administration of justice for all in Washington State..."***

**From the November 2, 2000, Supreme Court Order reauthorizing the Access to Justice Board**

2. A stable, effective and interconnected legal services provider network that offers legal information, assistance, advice and direct representation to low income clients.

## **1. ORGANIZATIONAL STRUCTURE**

A proven way to institutionalize support for your Equal Justice Community is to establish an overarching equal justice entity whose sole function is to create, coordinate and sustain a viable Equal Justice Community, as well as to promote the development of institutional commitments by the bench, the bar and others. There are at least a dozen variations and models for access to justice boards or commissions throughout the country that are working toward this goal. Whether established by a court, a bar or an IOLTA program, legal services providers in those states have chosen to institutionalize significant equal justice leadership functions in the volunteers who serve on these boards in the interests of improving equal justice for poor people in their states.

The effectiveness of these coordinating structures — in the form of an access to justice board/commission — depends first and foremost on the strength and vitality of the Equal Justice Community's vision.

These coordinating boards will be extremely effective if they have the following characteristics:

- ✓ They are viewed as "independent" and not controlled by the interests of any particular group or constituency (and especially not viewed as having interest group or "trade protection" or "trade association" dynamics).
- ✓ Key constituencies (judiciary, bar, legal services and pro bono providers, IOLTA, clients) are represented by members selected by a neutral body through an unbiased process.
- ✓ Although selected as representatives of key constituencies, members understand that the interests of the community as a whole take priority over those of individual constituent groups. Unlike the board of governors of a bar association, an access to justice board/commission is mission-driven, not constituency-driven. If its members do not fully understand that distinction, and don't fully buy into the equal justice vision, their desire to be on the board/commission may come to be viewed (rightly or wrongly) as nothing more than thinly disguised turf protection.
- ✓ All members are highly respected as "leaders" by the Equal Justice Community (but avoid the temptation to go to THE USUAL SUSPECTS).



- ✓ Members have a deep, abiding and shared commitment to access to justice.
- ✓ The coordinating board uses an inclusion model, operates openly, encourages broad participation in decision-making and keeps the community apprised of its activities and decisions.
- ✓ Members, including the chair, make at least a three-year renewable commitment to ensure effective participation given the long “learning curve” for Equal Justice Community participation.
- ✓ The coordinating board models, personifies and lives by the code of conduct (e.g. NO TURF; IT’S THE CLIENTS, STUPID) and embraces the Equal Justice Community’s core values.
- ✓ The coordinating board is supported by those institutions that create and/or administer it, and by the level of staffing, financial and other institutional support assigned to the board.

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How can you begin to institutionalize support in a state bar association, supreme court or other institution for hosting an Equal Justice Community coordinating board? The passion for equal justice is contagious. Work over time to educate and generate a strong commitment to equal justice by the key institutions in your state.

- Review your Equal Justice Timeline (Chapter 1) and note all interactions between the bar or court or other institution which might serve as the organizational anchor in your state. Approach the institution by referencing all of the past points of contact to bolster your message that your vision is their vision and your goals are their goals.
- Solicit resolutions of support (see examples in Part II) from your bar association, judicial associations and other community organizations whenever the need arises.
- Find ways to get invited and to participate as a full partner in judicial system reform initiatives and other related activities. Your ability to do so often is a function of personal relationships you’ve nurtured and developed in the context of your equal justice efforts and work over time.

**Example:** A legal services director asked to be appointed to a committee looking at the reorganization of Washington State courts. He made the point that both the supreme court and state legislature had repeatedly over the years asked for a study to determine the level of unmet legal needs in the state. As

***The Washington State Access to Justice Board was established by Washington State Supreme Court Order in 1994, based on the recommendation from a Washington State Bar Association-initiuted Access to Justice Task Force. The Access to Justice Board's mission is to improve the delivery of civil legal services for low and moderate income people in Washington State.***

Please see Part II for copies of the Task Force Report and the most recent Order, which makes the Board a permanent entity. Additional information can be found on the Access to Justice Board's website:  
[www.wsba.org/atj](http://www.wsba.org/atj)



Washington State Bar  
Association's Long-  
Range Strategic Plan

**#7: "The WSBA will  
continue to provide  
leadership and  
support to programs  
and initiatives for  
the benefit of access  
to justice."**

a direct result of his participation and education of the committee about this issue, the state Office of the Administrator for the Courts agreed to be the responsible party for taking the lead on assessing unmet legal needs.

- Ask the bar or court to consider "demonstrated commitment to access to justice" in selection of bar leaders and judges.
- Seek the formation of special task forces or committees to explore additional sources of funding.

**Example:** The Equal Justice Community asked the State Bar to consider a filing fee add-on to increase funding for civil legal services. The Board of Governors referred the matter to the State Bar's Legal Aid Committee with a specific request to research and write a report on possible funding sources that the bar could pursue.

- Encourage members committed to equal justice to run for seats on the board of governors, run for judicial office, and serve on relevant bar and judicial committees.
- Participate actively in your bar's long-range strategic planning process. If one does not exist, suggest that it should.

**Example:** The Washington State Bar Association's Long-Range Strategic Plan recognizes access to justice as one of its primary goals, and incorporates by reference the Access to Justice Board's *Plan for Delivery of Civil Legal Services to Low Income People in Washington State*. [www.wsba.org/c/lrsp/1999/plan.htm](http://www.wsba.org/c/lrsp/1999/plan.htm)

- Work closely with the bar as a "partner"; find common ground on potentially contentious initiatives (e.g. proposed rules that don't serve the Equal Justice Community).

**Example:** The Washington State Bar Association Board of Governors proposed a definition of the practice of law that the Access to Justice Board feared would limit — rather than expand — access to the justice system for low income people. Through collaboration between the ATJ Board and the Bar, the proposed rule now has a companion rule to establish a proposed "Practice of Law Board" which, if adopted by the Supreme Court, will consider limited practice by non-attorneys.

- Regularly attend bar governance meetings and practice the code of conduct, in particular, NO TURF.

**Example:** Members of the Equal Justice Community historically have attended, and participated actively in, all meetings of the Washington State Bar Association Board of Governors.

- Establish reciprocal liaisons between and among the organized bench, organized bar and legal services organizations.
- Keep bar and judicial leadership informed about major issues and cases that impact the Equal Justice Community; include them in major decisions and initiatives (e.g. when hiring a new legal services director, include bar leaders in the interview process). Ask them to serve on committees and boards, and to chair initiatives.
- Institutionalize formal presentations and written reports to the Board of Governors and the Supreme Court.

**Example:** The Equal Justice Community makes an annual scheduled presentation to the Washington State Bar Association Board of Governors on the full range of its initiatives. (For copies of Access to Justice Board Reports to the Supreme Court and Board of Governors, see: [www.wsba.org/atj/publications.htm#board](http://www.wsba.org/atj/publications.htm#board))

- Arrange to have articles published regularly in bar and judicial publications.

**Example:** The Equal Justice Community has an “Access to Justice” Department in the Washington State Bar Association *Bar News*. The State Bar hosts an Access to Justice page on its web site, which is used widely by the entire Equal Justice Community in a variety of ways: [www.wsba.org/atj](http://www.wsba.org/atj)

- Get to know the institution’s budget process. Work towards permanent, full-time and knowledgeable staff and an adequate budget for Equal Justice Community expenses.

**Example:** Members of the legal services community were instrumental in convincing the State Bar to hire a full-time manager for its access to justice initiatives.

- Ask law school communities to make strategic use of their resources by bolstering and focusing on Equal Justice Community issues, problems, needs.

## 2. LEGAL SERVICES PROVIDER NETWORK

Clients don’t care who provides the legal help they need. They care that the services are available, accessible and responsive to their needs. They care that the delivery system is

***“The ATJ Board has been able to channel the creative energies of the staff at Columbia Legal Services and Northwest Justice Project, thousands of volunteer lawyers working in 28 separate volunteer legal programs, and many specialized legal services programs, together with many others...into a public-private partnership which extends an Access to Justice Network throughout the state.”***

**M. Wayne Blair, WSBA  
President 1998-99**

***Clients don't  
care who pro-  
vides the legal  
help they need.***

***Change is good***

understandable and user-friendly. The provider community must do its utmost to work in a cohesive and collaborative manner to achieve this goal. The clarity of the vision, the guiding principles and the code of conduct and expanded leadership all help support the provider community moving closer together. How you can encourage this:

- Develop a comprehensive, collaborative framework that harnesses all possible resources together into an integrated client services delivery system. (See *sample Equal Justice Pyramid drawing in Part II*)
- Turn the creation and ongoing maintenance of the state plan for delivery of legal services over to an Equal Justice Community coordinating board.
- Honor the plan the coordinating board develops, even when it may result in disruption to your individual program's plans, priorities, access to funding, a particular job title or office location.

**Example:** The Washington State Access to Justice Board's *Plan for the Delivery of Civil Legal Services in Washington State* proposed a significant reorganization of the equal justice delivery system, which involved the consolidation of programs and other significant changes (Both the 1995 Plan and 1999 Revised Plan can be found at [www.wsba.org/atj/publications.htm#planning](http://www.wsba.org/atj/publications.htm#planning)).

- Utilize the coordinating board to resolve differences among your provider programs, in accordance with the community's principles and goals and values.

**Example:** A Resource Development Committee was established by the Access to Justice Board to address issues of perceived and actual competition for funding and other resources.

- Bring ideas and plans to the coordinating board to alert all stakeholders and give ample opportunity to provide input and feedback. This will help ensure your plans best serve client needs, and will result in the HIGHEST AND BEST USE of resources.

**Example:** In response to concerns from the legal services programs about "uneven" or absent accountability standards, the Access to Justice Board established a committee which developed and implemented uniform accountability standards for all civil legal services providers in the state, regardless of funding source.

- Share information about the activities of the coordinating board with your staff, board,



local community and put its mission into context in their lives.

- Be prepared to support broader initiatives of the coordinating board even when they benefit others in the community more than they do you or your program in the short run, so long as they are consistent with vision and values, and strengthen the overall client service delivery system for the longer term.

**Example:** Members of the legal services provider network are intimately involved in the development of Access to Justice Board efforts to develop resources for moderate income people (e.g., low-fee panels, legal advice hotlines).

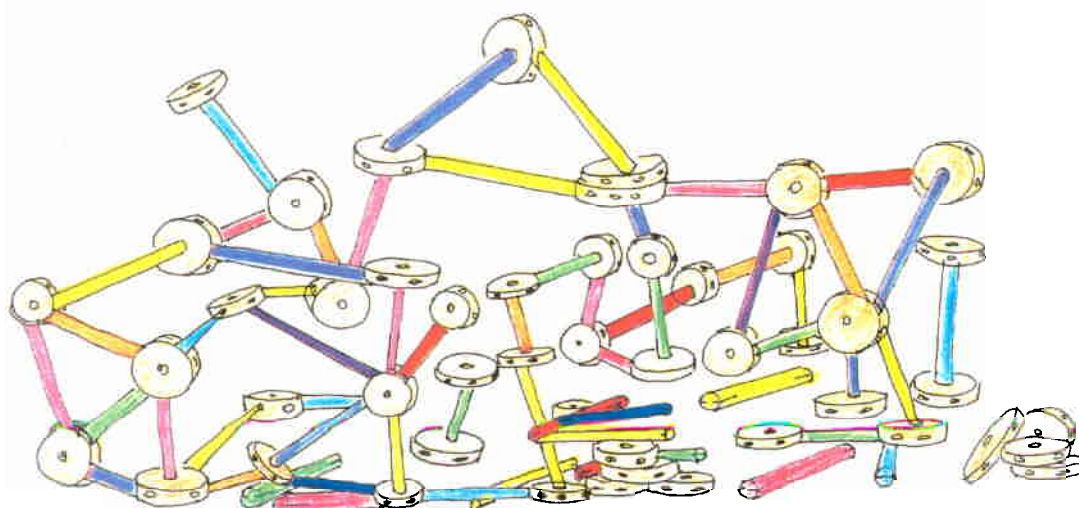
- Avoid finding the differences and problems with other providers and look for similarities and common ground.
- Share your resources, such as training, libraries, and expertise.

**Example:** Recognizing that many smaller programs lack training opportunities, the larger programs have taken on the responsibility for providing management and substantive training to the entire legal services provider network at their own expense.

- Educate others that there is a coordinated legal services provider network.

***"I am absolutely persuaded that we are doing as good a job as we can possibly do because people are working together and are united in their goals. People rise above their own organizational differences for a bigger vision."***

**Pat McIntyre, Executive  
Director, Northwest  
Justice Project**



## EXERCISE

- ✓ Envision a structure for your Equal Justice Community. You can use any model that reflects a coordinated, integrated and collaborative system. Make sure you have both a coordinating board and a coordinated provider network.

## REFERENCES TO PART II

Washington State Bar Association Access to Justice Task Force Report (1992-93)	page 159
Washington State Supreme Court Order Reauthorizing the Access to Justice Board (Nov. 2, 2000)	page 170
Annual Access to Justice Board letter to the Board of Governors re: selection of Washington State Bar Association President	page 172
Annual Access to Justice Network presentation to the Board of Governors (October 2000)	page 173
Equal Justice Pyramid	page 174
Civil Equal Justice Performance Standards (Access to Justice Board, October 1999)	page 175
Washington State's Legal Services Provider Network	page 178

***"Therefore, the Access to Justice Board again urges the Board of Governors to continue the practice of selecting a WSBA president-elect who has a demonstrated commitment to equal access to justice....As in the past, WSBA's president will be called upon both locally and nationally as a spokesperson for increased funding for civil legal services, increased donations of time and money by attorneys, and other initiatives to enhance the administration of justice."***

From the annual ATI  
Board letter to the WSBA  
Board of Governors